



NEW YORK eHEALTH
COLLABORATIVE



Statewide Health Network for New York (SHIN-NY) *Policy Overview and Minor Consent*

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NYeC & SHIN-NY

Our **shared** vision is a dramatically transformed healthcare system where health information exchange is universally used as a tool to make lives better

SHIN-NY mission is to improve healthcare through the exchange of health information whenever & wherever needed



NYeC mission is to improve healthcare by collaboratively leading, connecting, & integrating health information exchange across the State



Roles & Responsibilities



- Exercise overall authority for SHIN-NY (funding, regulation, laws, policy, guidance, QE certification requirements)
- Serve as partner with private sector
- Utilize state levers to promote SHIN-NY



- Provide thought leadership and statewide management to advance, align, integrate, and advocate
- Facilitate and propose policy, technical standards, functionality, business operations, and innovation
- Oversee delivery of QE core services through performance-based contracts
- Connect QEs statewide and meet performance goals



- Partner with NYS DOH and NYeC to provide thought leadership
- Deliver core SHIN-NY Services
- Meet performance goals and comply with State requirements
- Directly support healthcare reform initiatives, care models, and innovation
- If desired, offer enhanced services for additional fees

Current SHIN-NY Monthly Usage



SHIN-NY Exchanged Information to Support Over 1.2 Million Patients in Their Healthcare



Alerts to Support Transitions To/From Hospital ER and Inpatient

- About 480 Thousand Patients
- Over 7.5 Million Alerts to Care Team Members



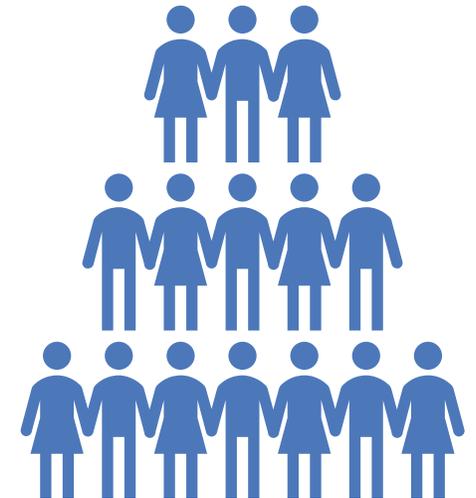
Diagnostic or Lab Results Exchanged

- Over 303 Thousand Patients



Health Records

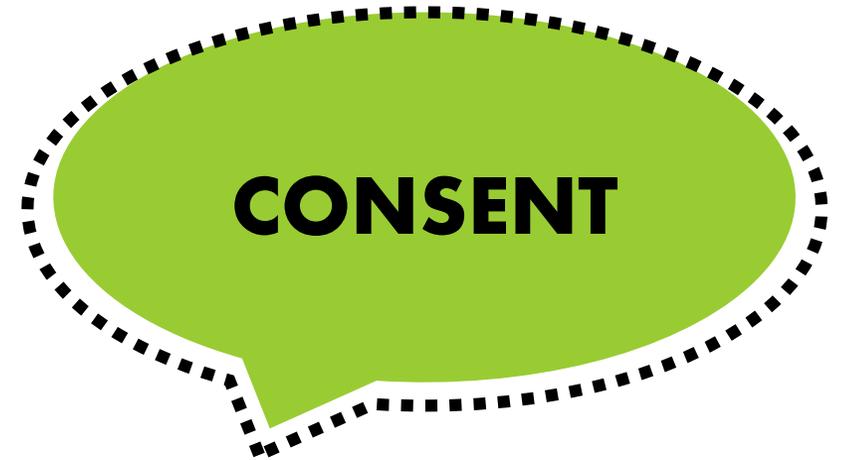
- Over 468 Thousand Patients
- Over 3.2 Million Retrievals



SHIN-NY Policy Refresher

SHIN-NY Process

- The Statewide Health Information Network for New York (SHIN-NY) facilitates the exchange of electronic health information between and among participants
- Qualified Entity (QE) participants can access their patient's information with written affirmative consent
- **Opt-in (consent-to-access):** written affirmative consent from the patient is required in order for patient health information to be accessed
- **SHIN-NY Consent rules are outlined in the *Privacy & Security Policies and Procedures (P&Ps) for Qualified Entities and their Participants under 10 NYCRR § 300.3(b)(1)v3.4***



Uses of Protected Health Information

Treatment

Quality
Improvement

Care
Management

Insurance
Coverage
Reviews

These are considered **Level 1 uses**. They are permitted from the most common form of consent.

Level 2 uses require additional consent components and include but are not limited to:

- Payment
- Research
- Marketing

Consent

Patient chooses whether to permit access and receipt of protected health information (“Opt-In”)

Authorization for Access to Patient Information Through a Health Information Exchange Organization

New York State Department of Health

Patient Name	Date of Birth	Patient Identification Number
Patient Address		

I request that health information regarding my care and treatment be accessed as set forth on this form. I can choose whether or not to allow [Name of Provider Organization or Health Plan; or reference to a list of specific Provider Organizations and/or Plans attached to this form] to obtain access to my medical records through the health information exchange organization called [Name of Qualified Entity]. If I give consent, my medical records from different places where I get health care can be accessed using a statewide computer network. [Name of Qualified Entity] is a not-for-profit organization that shares information about people’s health electronically and meets the privacy and security standards of HIPAA and New York State Law. To learn more visit [Name of Qualified Entity]’s website at

Consent Continued

Model forms are included in guidance

- **Level 1**
 - With emergency services
 - Without emergency services
- **Level 2**
 - Payer form for payment
 - Research
 - Supplemental Security Income (SSI) Application

Alternative forms may be accepted

- Must include specific elements

Consent forms may be obtained electronically

Additional Consent Context

Other state and federal consent standards apply to the information exchanged and SHIN-NY policy is compliant. The other standards differ for specific types of information.

Protected Health Information means individually identifiable health information (e.g., any oral or recorded information relating to the past, present, or future physical or mental health of an individual; the provision of health care to the individual; or the payment for health care) of the type that is protected under the HIPAA Privacy Rule.

Sensitive Health Information means any information subject to special privacy protection under state or federal law, including but not limited to, HIV/AIDS, mental health, alcohol and substance abuse, reproductive health, sexually-transmitted disease, and genetic testing information.

2020 SHIN-NY Policy Committee Agenda

2020 Policy Committee Priorities

SHIN-NY Policy Roadmap Includes:



Discussions and Recommendations on a SHIN-NY Opt-Out Consent Framework



SHIN-NY Wide Consent Management System Approach



Consumer Mediated Exchange (Patient Access)



Non-Covered Entity Participation in the SHIN-NY (e.g. CBOs)

Disclosures to Additional Entities

- In some cases, HIPAA allows for disclosures to entities that are **not permitted** under current SHIN-NY policies, for example:
 - disclosures to government agencies such as:
 - protective service agencies monitoring abuse, neglect, or domestic violence
 - health oversight agencies
 - law enforcement
 - correctional institutions
- Additionally, HIPAA permits disclosures to community-based organizations (CBOs) in certain circumstances even though such entities are not covered entities
- In keeping with the intent of modernization of SHIN-NY policies and to the extent possible alignment with HIPAA, the SHIN-NY Policy Committee will explore opportunities to allow for disclosures to CBOs and other entities that may further the overall SHIN-NY 2020 Roadmap goal of supporting value-based care

Minor Consent

Minor Consent in New York State

Minor general health information is governed by parental/guardian consent in New York State



Minors may consent under certain circumstances to treatment of sensitive health care services that include:

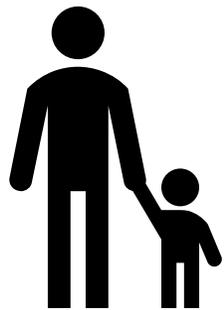
- Reproductive Health Care
- Prenatal Care
- Testing & Treatment for STIs including HIV testing
- Drug and Alcohol Misuse Care
- Mental Health Care
- Emergency Medical Care
- Post-Sexual Assault Care

The SHIN-NY Regulation requires the sharing of minor health information; QEs currently share minor health information governed by parental consent.

Access to Minor Health Information in the SHIN-NY



Participants in
the SHIN-NY
(e.g. primary care provider)



Minor Personal
Representatives
(e.g. parent or legal
guardian)

- A participant may access minor health information based on consent of the minor's Personal Representative.
- A participant may access *sensitive* "Minor Consent Information" based on consent of the minor's Personal Representative *unless federal or state law or regulation requires the minor's authorization.*
- QEs provide training on the consent workflow

- QEs and Participants may not disclose Minor Consent Information to the minor's Personal Representative without the minor's written consent.
- A minor's Personal Representative *may* be denied access if a QE does not have means of ensuring that Minor Consent Information can be segregated from other health information.

Thank you!

Questions?

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